

## MINUTES

September 9, 2008

The Davidson County Board of Commissioners met at 7:00 P.M., on Tuesday, September 9, 2008, in the Commissioners' Meeting Room, Governmental Center, 913 Greensboro Street, Lexington, North Carolina, for a regularly scheduled meeting and public hearing.

### PRESENT

Commissioners: Chairman Larry W. Potts, Vice Chairman Billy Joe Kepley, Larry Allen, Fred McClure, Don Truell, Dr. Max Walser, Sam Watford

County Manager Robert Hyatt, Assistant County Manager Zeb M. Hanner, County Attorney Robert Hedrick, Clerk to the Board Anne Burkhart, Tax Administrator Joe Silver, Purchasing Director Dwayne Childress, Human Resources Director Jim Tysinger, Public Works and Services Director Rex Buck, Library Director Ruth Ann Copley, IT Director Joel Hartley, Finance Director Jane Kiker, Economic Development Director Steve Googe, EMS Director Doug Lowe

### A. CALL TO ORDER AND WELCOME

Chairman Larry Potts called the meeting to order and welcomed guests.

### B. INVOCATION

Chairman Larry Potts

### C. PLEDGE OF ALLEGIANCE

### D. RECOGNITION

### E. REGISTER FOR PUBLIC ADDRESS

Chairman Potts noted the register for public address.

### F. ADOPTION OF AGENDA

On a motion by Commissioner McClure and a second by Vice Chairman Kepley the Board voted unanimously 7-0 to adopt the agenda. (Exhibit 1)

### G. PUBLIC ADDRESS

Jack Barton apprised the Board of the additional requirements (fire suppression system) from the Fire Marshal for his property at The Springs, in the High Rock Lake area. He also requested help with road improvements and water.

Chairman Potts noted that Davidson County staff would look into the issue.

Barney Hill spoke in opposition to video-taping the Commissioners' meetings.

Alvin Everhart, of the Holly Grove area, inquired about the flag-flying policy in Davidson County.

#### H. PUBLIC HEARING

##### 1. Ordinance for Sewer System

On a motion by Commissioner Truell and a second by Commissioner Watford the Board voted unanimously 7-0 to open the public hearing to receive public comment on the adoption of the Davidson County, North Carolina Sewerage System Policy as an ordinance, for enforcement purposes.

The public was informed by County Attorney Robert Hedrick that the ordinance is required as a part of the permit for the wastewater collection system issued by the North Carolina Department of Environment and Natural Resources.

Barney Hill spoke in opposition to the proposed Ordinance for the Sewer System.

On a motion by Commissioner McClure and a second by Vice Chairman Kepley the Board voted unanimously 7-0 to close the public hearing.

On a motion by Commissioner Watford and a second by Commissioner Truell the Board voted unanimously 7-0 to adopt the Ordinance for the Davidson County Sewer System. (Exhibit 2)

##### 2. Economic Incentive Grants

###### Vitacost.com, Inc.

On a motion by Vice Chairman Kepley and a second by Commissioner Allen the Board voted unanimously 7-0 to open the public hearing to receive public comment on the proposed incentive grant to Vitacost.com, Inc.

The public was informed that the proposal to the company will entitle it to a grant each year for five (5) years to be paid by Davidson County, provided the company meets the requirements of the Contract as to investment, jobs and wages, with the payment of the grant calculated to be .0027 times the total investment of \$5,700,000 in plant, machinery and equipment, not to exceed \$15,500 per year.

Barney Hill spoke in favor of the Vitacost.com, Inc. incentive grant and all three incentive grant proposals.

On a motion by Vice Chairman Kepley and a second by Commissioner Truell the Board voted unanimously 7-0 to close the public hearing.

On a motion by Commissioner McClure and a second by Commissioner Allen the Board voted unanimously to approve the proposed incentive grant each year for five (5) years to be paid by Davidson County to Vitacost.com, Inc., calculated to be .0027 times the total investment of \$5,700,000 in new plant, new machinery and new equipment, not to exceed \$15,500 per year, and provided the company meets the requirement of the Contract as to investment, jobs and wages.

Piedmont Candy Company, Inc.

On a motion by Commissioner Walser and a second by Vice Chairman Kepley the Board voted unanimously 7-0 to open the public hearing to receive public comment on the proposed incentive grant to Vitacost.com, Inc.

The public was informed by Steve Googe that the proposal to the company is that it will be entitled to a grant each year for five (5) years to be paid by Davidson County, provided the company meets the requirements of the Contract as to investment, jobs and wages, with the payment of the grant calculated to be .0027 times the total investment of \$3,500,000 in plant, machinery and equipment, not to exceed \$9,450 per year.

Barney Hill spoke in favor of the proposed incentive grant.

On a motion by Commissioner Truell and a second by Commissioner Watford the Board voted unanimously 7-0 to close the public hearing.

On a motion by Commissioner Walser and a second by Vice Chairman Kepley the Board voted unanimously to approve the proposed incentive grant each year for five (5) years to be paid by Davidson County to Piedmont Candy Company, Inc., calculated to be .0027 times the total investment of \$3,500,000 in new plant, new machinery and new equipment, not to exceed \$9,450 per year, and provided the company meets the requirements of the Contract as to investment, jobs and wages.

Project R2 (Logistics Company)

On a motion by Commissioner Allen and a second by Commissioner McClure the Board voted unanimously 7-0 to open the public hearing to receive public comment on the proposed incentive grant to Project R2, a Logistics Company.

The public was informed by Steve Gooze that the proposal to the company is that it will be entitled to a grant each year for five (5) years to be paid by Davidson County, provided the company meets the requirements of the Contract as to investment, jobs and wages, with the payment of the grant calculated to be .0027 times the total investment of \$5,000,000 in plant, machinery and equipment, not to exceed \$16,000 per year. Mr. Gooze noted that 150 jobs are to be added.

Barney Hill spoke in favor of the grant incentive.

On a motion by Vice Chairman Kepley and a second by Commissioner McClure the Board voted unanimously 7-0 to close the public hearing.

On a motion by Commissioner Watford and a second by Commissioner Allen the Board voted unanimously to approve the proposed incentive grant each year for five (5) years to be paid by Davidson County to Project R2, calculated to be .0027 times the total investment of \$5,000,000 in plant, machinery and equipment, not to exceed \$16,000 per year, provided the company meets the requirement of the Contract as to investment, jobs and wages, and with the understanding that this motion is not site specific as careful consideration is needed for a logistics company on this size. (Exhibit 3)

#### I. ITEMS FOR DECISION/INFORMATION

##### Consent

Commissioner Allen asked that I.5. be removed from the Consent Agenda.

On a motion by Commissioner Truell and a second by Commissioner McClure the Board voted 6-1 to approve the consent agenda I1, I2, I3, I4, and I6; Vice Chairman Kepley voted "No."

##### 1. Minutes

The Board approved the Minutes of August 4, 2008 Planning and Zoning Public Hearing and August 26, 2008 Board of Commissioners' meeting.

##### 2. Budget Amendments by Zeb M. Hanner, Assistant County Manager

The Board approved budget amendments for Cooperative Extension, EMS, Sheriff, and Davidson County Schools. (Exhibit 4)

##### 3. Donation of Light Bars, Etc. to Davie County by Dwayne Childress, Purchasing Director

The Board declared light bars, etc. as surplus, and approved selling each item for \$1.00 to Davie County. (Exhibit 5)

4. EMS Base -- Wallburg by Dwayne Childress, Purchasing Director

The Board approved the capital budget for the EMS Base at Wallburg. (Exhibit 6)

6. Resolution Renewing Appointment of Joe Silver as Tax Assessor/Collector

The Board adopted the Resolution Appointing Joseph O. Silver as Davidson County Tax Assessor/Collector. (Exhibit 7)

Deliberation

5. Addition of Position by Jim Tysinger, Human Resources Director

Commissioner Allen inquired about other agencies that offered similar services as DavidsonWorks and the necessity of the expense to Davidson County. Discussion followed.

On a motion by Commissioner Allen and a second by Vice Chairman Kepley the Board voted to approve the addition of one Office Support IV, grade 59, \$25,055.64 to \$37,584.02, full-time position in Davidson Works. (Exhibit 8)

7. Legalizing Fox Trapping in Davidson County by Darren Huffman c/o Vice Chairman Billy Joe Kepley

Vice Chairman Kepley presented background information on the request for legalizing fox trapping in Davidson County and introduced Darren Huffman.

Mr. Huffman asked for an amendment to state law 15A NCAC 10B.0212 in order to legalize a fox trapping season. He noted the increased fox population and likewise the increased cases of rabies in the fox population. He noted that in trapping foxes, coyote population will also be managed. Discussion followed.

Colleen Olfenbittel, a Fir Biologist with the North Carolina Wildlife Resources Commission, reviewed the various kinds of traps and animals being trapped.

More discussion followed concerning the number of coyotes.

On a motion by Commissioner McClure and a second by vice Chairman Kepley the Board voted unanimously to place the item on the October 14, 2008 agenda for public hearing at 7:00 P.M. to receive public comment and consideration of approval to submit the amendment to be passed in the General Assembly in the spring of 2009 during the long session, which would allow fox trapping starting in November of 2009. (Exhibit 9)

8. Funding for Roof Replacement at Wallburg Elementary School by Zeb M. Hanner,

Assistant County Manager

On a motion by Commissioner Truell and a second by Vice Chairman Kepley the Board voted 6-1 to approve taking \$200,000 of the state ADM capital outlay funds for the purpose of replacing the Wallburg Elementary School cafeteria roof; Commissioner Watford voted "No." (Exhibit 10)

9. Assignment of Sewer Easements and Sewer Lines for South Central Sewer Phases I and

II by Robert Hedrick, County Attorney

On a motion by Commissioner Watford and a second by Commissioner Walser the Board voted unanimously 7-0 to authorize assignment, bill of sale and all other documents to comply with sewer connection for the South Central Sewer Phases I and II, in transferring lines to the City of Lexington.

(Exhibit 11)

10. Budget Ordinance for Denton Library Building Expansion by Dwayne Childress,

Purchasing Director

On a motion by Commissioner McClure and a second by Commissioner Truell the Board voted unanimously 7-0 to approve the budget ordinance and the completion of the project for the Denton Library Building Expansion. (Exhibit 12)

J. CLOSED SESSION – Real Estate and Personnel

On a motion by Vice Chairman Kepley and a second by Commissioner Watford the Board voted unanimously 7-0 to go into Closed Session for Real Estate and Personnel matters.

RETURN TO OPEN SESSION

On a motion by Commissioner Walser and a second by Commissioner Truell the Board voted unanimously 7-0 to return to Open Session.

County Attorney Robert Hedrick reported discussion of Real Estate and Personnel in Closed Session with no action taken.

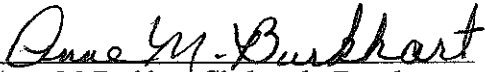
K. ADJOURNMENT

On a motion by Commissioner Watford and a second by Commissioner McClure the Board voted unanimously 7-0 to adjourn.

A large, dense, and somewhat illegible handwritten signature in black ink, likely belonging to Larry W. Potts, the Chairman of the Davidson County Board of Commissioners.

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Larry W. Potts, Chairman  
Davidson County Board of Commissioners

  
Anne M. Burkhart, Clerk to the Board  
Davidson County Board of Commissioners